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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,796	12/29/2005	Kenya Hori	043887-0180	8728
53080 7590 02/11/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, NW WASHINGTON, DC 20005-3096				
EXAMINER				
WILLIAMS, JOSEPH L				
ART UNIT		PAPER NUMBER		
2889				
MAIL DATE		DELIVERY MODE		
02/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,796

Applicant(s)

HORI ET AL.

Examiner

Joseph L. Williams

Art Unit

2889

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (US 2001/0000335 A1), of record by Applicant.

Regarding claim 1, Yamada ('335) teaches in figures 1A and 1B a phosphor element comprising: a pair of electrodes (16, 17) opposed to each other; and a phosphor layer (13) disposed between the pair of electrodes and having silicon fine particles (14) whose average particle diameter is not more than 100 nm (paragraph 138), wherein at least a part of each surface of substantially all of the silicon fine particles is covered with a conductive material film (15, see paragraph 111).

Regarding claim 2, Yamada ('335) teaches the conductive material film comprises an oxide or a composite oxide containing at least one element selected from a group of indium, tin, zinc, and gallium (paragraph 115).

Regarding claim 6, Yamada ('335) teaches an electron transport layer between the phosphor layer and at least one of the electrodes (read Mg Layer, paragraph 140).

Regarding claim 7, Yamada ('335) teaches a thin film transistor connected to at least one of the electrodes (paragraph 175).

Regarding claim 8, Yamada ('335) teaches in figures 1A and 1B and figure 10 a display device comprising: a two-dimensional phosphor element array in which the phosphor elements are arranged, each phosphor element comprising: a pair of electrodes (16, 17) opposed to each other; a phosphor layer (13) disposed between the pair of electrodes and having silicon fine particles (14) whose average particle diameter is not more than 100 nm (paragraph 138), wherein at least a part of each surface of substantially all of the silicon fine particles is covered with a conductive material film (15); and a thin film transistor (paragraph 175) connected to at least one of the electrodes; a plurality of x electrodes (read "row") extending parallel to each other in a first direction which is parallel to a surface of the phosphor element array; and a plurality of y electrodes (read "column") extending parallel to each other in a second direction which is perpendicular to the surface of the phosphor element array, and wherein the thin film transistor of the phosphor element array connects the x electrode to the y electrode.

Regarding claim 9, Yamada ('335) teaches in figures 1A and 1B a phosphor element, comprising: a pair of electrodes (16, 17) opposed to each other; and a phosphor layer (13) disposed between the pair of electrodes and having silicon fine particles, the silicon fine particles having average particle diameter of not more than 100nm and disposed at least at non-edge positions within the phosphor layer, wherein at least a part of each surface of substantially all of the silicon fine particles (15) is covered with a conductive material film.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US 2001/0000335 A1), of record by Applicant, in view of Yamazaki et al. (US 6,492,659).

Regarding claims 3 and 4, Yamada ('335) teaches all of the claimed limitations except for the conductive material film being a nitride.

Further regarding claims 3 and 4, Yamazaki ('659) teaches an EL device comprised of, in part, a conductive layer made of titanium nitride having a thickness of 5-80 nm for the purpose of improving the conductivity of the display.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the titanium nitride layer of Yamazaki in place of the conductive material of Yamada for the purpose of improving the conductivity of the display.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US 2001/0000335 A1), of record by Applicant, in view of Kahen (US 6,545,409 B2).

Regarding claim 5, Kahen ('409) teaches all of the claimed limitations except for the conductive material film being magnesium silver alloy.

Further regarding claim 5, Kahen ('409) teaches an EL device comprised of, in part, a conductive layer made of magnesium silver alloy having a thickness of 20-100 nm for the purpose of improving the conductivity of the display.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the magnesium silver alloy layer of Kahen in place of the conductive material of Yamada for the purpose of improving the conductivity of the display.

Response to Arguments

4. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive. The Applicant has argued that the conductive material (15) of Yamada is not a film. However, the Examiner respectfully points out to paragraph 112 of

Yamada where it refers to the conductive material as a film ("the transparent medium is a thin uniform film...").

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571) 272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Williams/
Primary Examiner, Art Unit 2889